

MAINE STATE HARNESS RACING COMMISSION
MINUTES OF MEETING
JUNE 28, 2021
HELD ONLINE VIA ZOOM APPLICATION

Commission Members Present: James Kelley, Jr., Richard Shiers, and Barry Norris

Commission Members Absent: Timothy Archambault and Edward Kelleher

Staff Members Present: AAG, Ron Guay, AAG, Henry Jennings, Carol Gauthier, Joy Bonenfant, Miles Greenleaf, Jaime Wood, and Dr. Zachary Matzkin

1. Call the Meeting to Order and Introductions: Henry Jennings

Commissioner Shiers made a motion to adopt the minutes of April 23, 2021. Commissioner Kelley seconded. Vote 2-0-1. Commissioner Norris abstained.

2. Consideration of Proposed Amendments to CMR 01-017, Chapters 7 and 9. On February 3, 2021, the Secretary of State published a Notice of Agency Rulemaking Proposal covering Commission rules Chapters 7, 9 and 13. A public hearing was held on February 24 and written comments were due by March 8. The Commission has reviewed the comments and made determinations. The Commission will now decide whether to adopt the amendments to Chapters 7 and 9.

Henry Jennings presented the memo of changes on the screen. In Chapter 9, the coupling and the segregation of horses were two concepts that the Commission did not find sufficient to adopt. Those have been eliminated as changes and the language will revert back to the old language. Next was the 45 day rule, the original proposal suggested getting rid of the rule. During the deliberation that the Commission held there was general agreement that the 45 day rule had merit. It was using the 45 day rule that's contained in Chapter 7 was the problem because under that requirement breaking resulted in a line that was not satisfactory, and did not qualify so what they ending up with was compromising in the middle and saying you still had to have a satisfactory line, but it had to be consistent with Chapter 9 and not Chapter 7. So, you can have a horse that breaks and as long as it finishes in the top 3 that's still a satisfactory charted line for Sire Stakes purposes.

Mr. Jennings moved to Chapter 7, Section 9 regarding hobbles and no hobbles. Commissioners agreed to adopt this. Section 16.H regarding the Quirron rule. Commissioners agreed to adopt this change. Section 28 regarding superfecta wagers. The Commissioners agreed to adopt this change. Section 30 scratches. The Commissioners did not adopt this change. Section 31, regarding couple entries. The Commissioners elected to adopt this change. Section 54, regarding the whipping rule. The Commissioners agreed to adopt this change. Section 75 and 76, regarding the distribution of purse money. The Commissioners agreed to not adopt this change. Mr. Jennings stated they need to act before July 8th. AAG, Guay presented the motion on the screen. Commissioner Kelley moved the motion. Commissioner Norris seconded. AAG, Guay called the roll call vote.

RECORD OF ROLL CALL VOTE

Motion: Adopt the proposed Rule Text for Chapters 7 and 9 with the associated basis statements as attached.

Commissioners:

Tim Archambault: NOT PRESENT

Barry Norris: YEA

Richard Shiers: YEA

James Kelley, Jr.: YEA

Edward Kelleher: NOT PRESENT

Date: June 28, 2021

3. Adjudicatory Hearings:

- a. Reopening of the 2021 Race Date Hearing:** Northern Maine Fair elected to cancel most of its traditional agricultural fair activities for 2021—including harness racing—as a result of lingering effects and concerns arising from the pandemic. The cancelation resulted in a mid-summer, one-week gap in the 2021 racing season. Consequently, Bangor Historic Track and First Tracks Cumberland have made requests to alter their 2021 race dates to partially fill the gap. The Commissioner will consider whether to reopen the 2021 Race Date Hearing to review the requests. Mr. Jennings stated that Diann Perkins requested intervenor status for the race date hearing. AAG, Guay was hearing officer. He called the roll call vote.

RECORD OF ROLL CALL VOTE

Motion:

At the request of Northern Maine Fair, the 2021 Race Date Proceeding is reopened to review a request to surrender race dates.

Commissioners:

Tim Archambault: NOT PRESENT

Barry Norris: YEA

Richard Shiers: YEA

James Kelley, Jr.: YEA

Edward Kelleher: NOT PRESENT

Date: June 28, 2021

AAG, Guay stated the next item would be to take up Mrs. Perkins request. Does anyone oppose her motion? Hearing none, he recommended to the Commissioners that they allow Mrs. Perkins in as an intervenor on her own behalf. If she is part of an association, then she could also speak as well. Mr. Jennings presented on the screen Exhibit 4, June 28, 2021 Race Date Hearing Reopening. He also presented on the screen Exhibit 1A, 2021 Race Date Calendar. Gunner LaCour stated on August 4th and 5th post time would be 11:00 a.m. After discussion on the race dates, AAG, Guay called the roll call vote for both items listed below.

RECORD OF ROLL CALL VOTE

Motion:

Commission authorizes race dates to be changed as follows:

- 1) Remove race dates awarded to Northern Maine Fair for 8/1, 8/2, 8/3, 8/4, 8/5, 8/6**
- 2) Remove race date of 7/25 awarded to First Tracks**
- 3) Grant race dates of 7/25, and 8/1 to Bangor Historic Track**
- 4) Grant race dates of 8/4, 8/5, to First Tracks**

This order is verbally adopted and effective upon call of the roll.

Commissioners:

Tim Archambault: NOT PRESENT

Barry Norris: YEA

Richard Shiers: YEA

James Kelley, Jr.: YEA

Edward Kelleher: NOT PRESENT

Date: June 28, 2021

RECORD OF ROLL CALL VOTE

On May 7, 2021 the Commission considered a schedule for 2021 Sires Stakes races. After extensive public comment, and Commission deliberation, the Commission tabled the proposed calendar and directed certain changes to be made. After that meeting the cancellation of the Northern Maine Fair was confirmed.

On May 21, 2021, the Commission met to consider the proposed amendments to the tabled schedule and to reallocate the Sires Stake dates originally awarded to

Northern Maine Fair. Upon further deliberation the Commission reviewed amendments to the tabled schedule and adopted the changes reflected in Exhibit 1.

On June 28, 2021 the 2021 Race Date Proceedings were reopened with the race dates for Northern Maine Fair were reallocated to Bangor Historic Track and First Track. As a consequence of the changes additional changes to the 2021 Sires Stakes program became necessary.

Motion:

APPROVE The 2021 Sires Stakes race schedule marked as Exhibit 1A.

Commissioners:

Tim Archambault: NOT PRESENT

Barry Norris: YEA

Richard Shiers: YEA

James Kelley, Jr. YEA

Edward Kelleher NOT PRESENT

Date: June 28, 2021

4. Public Comment

Commissioner Shiers stated he would like to look at some of these licenses a little harder and lobbying hard for conditional licenses.

Diann Perkins stated that the small calendars are not correct. They need to get the information out to the participants. Commissioner Kelley stated you may want to have the announcer at the tracks on the days the Sire Stakes are racing announce it.

AAG, Guay asked if the fairs are holding a meet. Commissioner Norris stated that all fairs are a go accept Northern Maine.

Debbie Patterson representing Maine Harness Horsemen's Association stated she wanted to recognize Michael Cianchette for hosting Tuesdays at the track.

5. Adjourn

11:00 a.m.

MAINE STATE HARNESS RACING COMMISSION BASIS STATEMENT FOR ADOPTION OF CMR 01-017, CHAPTER 7—RACING

Basis Statement

The Commission proposed numerous amendments and updates to Chapter 7. Some of the more substantive proposals included eliminating the need to requalify following an equipment change, repealing the Quirion Rule, modifying the requirement for coupled entries, a requirement that horses not leave the paddock until it has been determined which horse need testing, a reorganization of the whipping rule to model the US Trotting Association, and extending purse payments to six horses. The Commission took extensive testimony and received written comments on the proposals, and it deliberated the merits of many specific amendments.

The Commission adopted some proposals, modified others, and rejected payments to six horses (see summary of comments) based largely on comments received, and in some cases findings made by the Commission.

After extensive review and deliberation, the Commission voted to adopt the revised language on **March ??, 2021** based on its belief that the adopted amendments best serve the public interest.

MAINE STATE HARNESS RACING COMMISSION BASIS STATEMENT FOR ADOPTION OF CMR 01-017, CHAPTER 9—SIRE STAKES

Basis Statement

The Commission proposed three amendments to Chapter 9. The first amendment eliminates the requirement that stakes horses must comply with the 45 day rule found in Chapter 7. The second amendment prohibits the coupling of horses entered into a Sire Stakes race, and the third amendment prohibits the segregation of horses with common ownership into separate divisions during the draw.

The Commission reviewed the comments and deliberated on the merits of the proposals. The Commission determined that the proposed amendment relating to the 45 day rule was reasonable, however requested that it be clear that horses must meet Sire Stakes standards. Consequently, the Commission elected to adopt the proposed amendments with the alteration.

The other two amendments regarding coupling and segregation both received a multitude of comments opposing the proposed changes. Upon review of the comments and discussion by the Commission, both amendments were rejected.

Exhibit 4—June 28, 2021 Race Date Hearing Reopening

2021 Race Date Calendar as Approved by the Commission on February 8

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
July 25 First Tracks	July 26	July 27	July 28 First Tracks	July 29	July 30	July 31 First Tracks
August 1 <small>Northern Maine Fair</small>	August 2 <small>Northern Maine Fair</small>	August 3 <small>Northern Maine Fair</small>	August 4 <small>Northern Maine Fair</small>	August 5 <small>Northern Maine Fair</small>	August 6 <small>Northern Maine Fair</small>	August 7
August 8 Topsham	August 9 Topsham	August 10 Topsham	August 11	August 12 Topsham	August 13	August 14 Topsham

Proposed Revisions to the 2021 Race Date Calendar June 28, 2021

Denotes Revision to February 8 Race Date Awards

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday		Saturday
July 25 Bangor	July 26	July 27	July 28 First Tracks	July 29	July 30		July 31 First Tracks
August 1 Bangor	August 2	August 3	August 4 First Tracks	August 5 First Tracks	August 6		August 7
August 8 Topsham	August 9 Topsham	August 10 Topsham	August 11	August 12 Topsham	August 13		August 14 Topsham

EXHIBIT 1-A

July 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		First Tracks 2:30pm	Bangor 3pm	1		First Tracks 2:30pm
1 Bangor 12:15pm	1	1 First Tracks 2:30pm	33 Bangor 3pm	4	1	1 First Tracks 2:30pm 3YO Colt
33 Bangor 12:15pm 3YO Trotters	28	1 First Tracks 2:30pm	33 Bangor 3pm	4	1	1 First Tracks 2:30pm 3YO Filly
36 Bangor 12:15pm	31	1 First Tracks 2:30pm 3YO Trotters	33 Bangor 3pm 3YO Colt	4	1	1 First Tracks 2:30pm
Bangor 12:15pm 3YO Filly	28	First Tracks 2:30pm	Bangor 3pm 3YO Trotters	7		
	31					

First Tracks – 9 Days

Bangor – 9 Days

Plainridge – Mon/Thurs/Fri

Month Total 18 Race Days

August 2021

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Bangor 12:15pm 3YO Colt Pacers	2	3	4 First Tracks 2:30pm 2YO Trotters & 3YO Trotters	5 First Tracks 2:30pm 2YO Colt Pacers	6	7
8 Topsham 1pm 3YO Filly	9 Topsham 5pm	10 Topsham 5pm 2YO Filly	11	12 Topsham 5pm	13	14 Topsham 1pm
15 Skowhegan 1pm 3YO Colt	16 Skowhegan 1pm	17 Skowhegan 7pm 2YO Trotters	18 Skowhegan 7pm 3YO Trotters	19 Skowhegan 7pm 3YO Filly	20 Skowhegan 1pm 2YO Filly	21 Skowhegan 1pm 2YO Colt
22 Union 2pm	23	24 Union 2pm	25 Union 2pm 3YO Trotters	26 Union 2pm 3YO Colt	27 Union 2pm 3YO Filly	28
29 Windsor 1pm 2YO Trotters	30 Windsor 3pm 2YO Filly	31 Windsor 3pm				

Bangor – 1 Day

First Tracks – 2 Days

Topsham Fair – 5 Days

Skowhegan Fair – 7 Days

Union Fair – 5 Days

Windsor Fair – 3 Days

Plainridge – Mon/Thurs/Fri

Month Total 23 Race Days
